

IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

STANDING PRETRIAL ORDER

JUDGE KAREN K. HALL

(revised 7/16/08)

In all **civil jury cases**, an order will be issued by the Court within nine (9) months of the filing date directing the parties to confer and, among other things, to select an agreed upon trial date and to make a return, *in writing*, to the Court within twenty-one (21) days. A formal scheduling conference will not be conducted by the Court unless same is requested by any interested party. In the event a scheduling conference is requested, same may be conducted by conference call if prior arrangements are made with the Court. Within fourteen (14) days prior to the date of trial, a pretrial conference will be scheduled. Attendance at the pretrial conference is mandatory unless all parties reach an agreement that is approved by the Court at least three (3) days in advance of said pretrial conference. Civil jury trial dockets will be published approximately sixty (60) days prior to the trial date.

In all civil jury cases set for trial before this Court, wherein a specific Pretrial Order has not been entered, it is **ORDERED** that each plaintiff and each defendant shall comply with, and shall be bound by, the following:

1. Each plaintiff and each defendant shall file, no later than ten (10) days before the scheduled trial docket call, a statement of the party's contentions setting forth a concise narrative of material facts, theories of liability, damages claimed, general and affirmative defenses and/or authorities relied upon.
2. All **amendments** and **request for mediation** must be filed with the Court no later than forty-five (45) days prior to trial.
3. All **motions**, including **motions for summary judgment**, must be filed with the Court no later than thirty (30) days prior to trial, unless modified so as to prevent manifest injustice. The only exception shall be for **motions in limine** which must be filed no later than seven (7) days prior to trial.

The parties are hereby given leave to proceed with further discovery provided that it is completed at least ten (10) days prior to the trial setting, unless otherwise agreed upon.

4. At the pretrial conference, each party **shall** exchange lists describing with reasonable particularity all documents, exhibits and physical evidence to be used at trial. The lists exchanged may be supplemented after the first exchange, but no later than four (4) days prior to the scheduled trial docket call. Each party shall be entitled to inspect and copy any document,

exhibit or physical evidence (if capable of photocopying) so listed by another party. **All documents** so listed **shall be deemed authentic** unless written objections based upon specific grounds are filed no later than three (3) days before the scheduled trial docket call. The preceding sentence does not excuse the necessity of issuing subpoenas for the production of documents needed at trial or for the attendance of witnesses who may be required to overcome objections to evidence on grounds other than authenticity.

- (a) Documents, exhibits or physical evidence not exchanged under this Order may not be offered in evidence at the trial unless the ends of justice so require.
- (b) Before the commencement of trial, each party shall provide the Court and court reporter with an exhibit list.

- 5. Lists of witnesses expected to testify, including possible rebuttal witnesses, **shall** be exchanged by the parties at the pretrial conference. The witness list may be supplemented after the first exchange, but no later than four (4) days prior to the scheduled trial docket call. Each party also **shall** provide the Court and court reporter with a list of witnesses before trial. The listing of a witness does **not** commit a party to have such witness available for trial or to call a witness to testify.
- 6. Unless the parties agree otherwise, at least sixty (60) days prior to trial, all parties **shall** notify all other parties, in writing, of all expert witnesses to be called at trial **and** shall include **all information** specified (if not already disclosed) in Rule 26(b)(4)(A)(i) of the *Alabama Rules of Civil Procedure*. No expert witnesses, except those so disclosed together with the required information, shall be allowed to testify at trial. Any objections to the qualifications of expert witnesses expected to testify and offer expert opinions shall be filed at the time of the first document exchange.
- 7. The parties are granted the right to inspect and copy all hospital and medical records relative to medical care, treatment, condition, tests, lab work and history of the parties, together with the right (on advance notice to opposing counsel) to depose and interview—in person or by correspondence—all physicians, administrators, hospital personnel and/or other personnel in connection therewith.

If applicable, all doctor, medical, hospital bills or other professional's bills shall be admitted in evidence as reasonable and necessary without further proof, unless written objection to any of the bills is made to the Court on or before seven (7) days prior to the scheduled trial setting specifying the grounds of objection.

8. All requested jury instructions **shall** be submitted to the Court (and served upon opposing counsel) **immediately** following opening statements. Requested instructions that would cover matters which could not be reasonably anticipated during the course of the trial **shall** be submitted to the Court (and served upon opposing counsel) prior to closing arguments.
9. *Voir dire* examination of jurors' interest in stock or mutual insurance companies will be made by the Court upon request of any party.
10. Unless the parties agree otherwise, all time periods specified in this pre-trial order are to be construed to comply with Rule 6(e) of the *Alabama Rules of Civil Procedure*, so that lists, documents or exhibits, if mailed, shall be mailed three (3) additional days prior to the beginning of any specified period of time.
11. Should a specific pretrial and/or scheduling order be desired by any party, it is the responsibility of the requesting party to confer with all parties and submit the agreed upon order to the Court.

It is **ORDERED** that this Order shall govern the proceedings in this cause unless modified so as to prevent manifest injustice.

DONE AND ORDERED this the 16th day of July, 2008.

/s/ Karen K. Hall

Honorable Karen K. Hall
Circuit Court of Madison County